

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

3:04-cr-0262

MICHAEL JAMES AYERS,

Defendant.

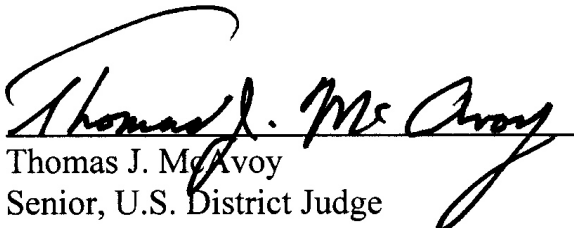
THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

This matter was remanded to this Court for consideration of re-sentencing in light of United States v. Booker, 125 S. Ct. 738 (2005) and United States v. Fagans, 406 F.3d 138 (2d Cir. 2005). Upon consideration of all relevant factors, including the government's submissions, Defendant's submissions, and the sentencing factors set forth at 18 U.S.C. § 3553, the Court finds that re-sentencing is not warranted, and that a sentence of 60 months is and remains appropriate and reasonable.

IT IS SO ORDERED.

Dated: December 5, 2006


Thomas J. McAvoy
Senior, U.S. District Judge